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C O N F I D E N T I A L BOGOTA 003925

SIPDIS

E.O. 12958: DECL: 04/19/2025

TAGS: PHUM MARR CO

SUBJECT: MILITARY JUSTICE EXONERATES SOLDIERS INVOLVED IN
GUAITARILLA CASE

REF: A. 04 BOGOTA 8899

B. BOGOTA 3235

Classified By: Ambassador William B. Wood for reasons 1.4 (b)
and (d).

11. (U) On April 16, the Supreme Military Tribunal, an appellate court for all service-related crimes, exonerated members of the Army involved in an operation the night of March 19, 2004, near the village of Guaitarilla, Narino Department. The operation resulted in a friendly-fire incident that left seven police and four civilian guides dead. The Tribunal ruled that the soldiers' actions were not characterized by any irregularities and that the incident was an authorized military operation. The Prosecutor General's Office ("Fiscalia") and the Inspector General's Office ("Procuraduria") are still investigating allegations that the soldiers tampered with evidence in the case. Both offices are also conducting investigations into allegations that the police and civilians who were killed were in the area to pick up a shipment of cocaine.

12. (C) Military Justice System Director Luis Fernando Puentes self-servingly claimed to Poloff that the Guaitarilla case was an excellent example of expeditious military justice, since the investigation and initial criminal trial took only four months. However, he said the case would have advanced even faster if the military had its own investigative lab, since much of the case processing time was spent waiting for the civilian investigative lab to complete work on other cases before dealing with the Guaitarilla evidence. He also argued that the military should be able to collect evidence at the crime scene to prevent tampering. Puentes said he timed the public announcement of the Guaitarilla decision so that it coincided with the presentation of military justice reforms to the Congress (ref B).

Comment

13. (C) The incident is shrouded in a fog of accusations and mystery. It occurred on a heavily forested road and had the appearance of an ambush. There seems little question that one or another of the military and/or police had connections with the drug trade, but those connections were also lost in the mist. In addition, apparently both the military and police were violating their respective rules and procedures. The civilian investigations may make headway into the truth of this dark episode, but even that is uncertain. Very few in Colombia will accept the military justice verdict as the last word.
WOOD